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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/635,889	08/06/2003		Mark Schiebler	10122-001	1604
29391	7590	01/26/2005		EXAM	INER
		E WOLTER MO	SZUMNY, JONATHON A		
390 NORTH SUITE 2500	-	AVENUE	ART UNIT	PAPER NUMBER	
ORLANDO,		1		3632	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

application from the International Bureau (* See the attached detailed Office action for a list of Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	nave been received in Applicary documents have been received. PCT Rule 17.2(a)). The certified copies not received. 4) Interview Summar Paper No(s)/Mail Company Paper No	ved in this National Stage ved.
	nave been received in Applica y documents have been received. PCT Rule 17.2(a)).	ved in this National Stage
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign part a) All b) Some * c) None of: 1. Certified copies of the priority documents to the certified copies of the certified copies of the priority documents to the certified copies of the certifie		a)-(d) or (f).
	Timer. Note the attached Offic	- AUION OF IUNII F 1 U- 132.
Applicant may not request that any objection to the drawing sheet(s) including the correction 11) The oath or declaration is objected to by the Example 11.	awing(s) be held in abeyance. So n is required if the drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accept	ted or b) objected to by the	e Examiner.
Application Papers		
4) Claim(s) 1-97 is/are pending in the application. 4a) Of the above claim(s) 1-97 is/are withdrawn f 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or expenses.		
Disposition of Claims		
3) Since this application is in condition for allowance closed in accordance with the practice under Ex		
<u> </u>	ction is non-final.	rooppution on to the mention in
1) Responsive to communication(s) filed on 01 Nov		
 Failure to reply within the set or extended period for reply will, by statute, can Any reply received by the Office later than three months after the mailing date earned patent term adjustment. See 37 CFR 1.704(b). Status	* *	, - ,
A SHORTENED STATUTORY PERIOD FOR REPLY I THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply w - If NO period for reply is specified above, the maximum statutory period will - Eailyre to reply within the set or extended period for reply will, by statute, or	a). In no event, however, may a reply be to ithin the statutory minimum of thirty (30) data apply and will expire SIX (6) MONTHS from	imely filed ays will be considered timely. m the mailing date of this communication.
The MAILING DATE of this communication appeared Period for Reply	ars on the cover sheet with the	correspondence address
	Jon A Szumny	3632
Office Action Summary	Examiner	Art Unit
	10/635,889	SCHIEBLER, MARK

Application/Control Number: 10/635,889

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This is the second office action for application number 10/635,889, Multi-Use Linkage Device, filed on August 6, 2003.

Election/Restrictions

Applicant's election with traverse of Species 27 (figure 31), corresponding to claims 1, 2, 12, 13, 18, 23, 24, 28-32, 34, 36, 42, 43 and 54, in the reply filed on November 1, 2004 is acknowledged. This is not found persuasive.

The traversal is on the ground(s) that the Examiner has failed to show that the examination of such distinct inventions would impose a burden on the PTO. It is first noted that the present application contains 44 species.

Further, the applicant contends the Examiner has failed to show either of the following:

1) a separate classification of the distinct inventions; 2) a separate field of search required for the distinct inventions; or 3) such inventions have achieved a separate status in the art, even though they are classified together. The above mentioned 1), 2) and 3) would be relevant if a restriction requirement was made as to different inventions as discussed in MPEP 808.02; however, the Examiner presented an election of species requirement, which is covered in MPEP 808.01(a).

The applicant continues by alleging that species 3 (figure 4) should be grouped with figures 1, 2A and 2B, that figures 9-13 should be grouped with figures 1, 2A and 2B and that figures 27, 28 and 29 should be grouped together. Finally, the applicant contends that these are only examples of species that should be grouped together.

It is noted that MPEP 808.01(a) essentially stipulates that the separate species must patentable over each other. For instance, the species of figure 4 has "viper teeth", a feature not

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found in figures 1, 2A and 2B. Moreover, each of figures 9-13 is referred to in the specification as "another preferred embodiment". If the species in these figures were unpatentable over each other or essentially the same, why would the applicant have referred to each as "another preferred embodiment"?

The requirement is still deemed proper and is therefore made FINAL.

Claims 3-11, 14-17, 19-22, 25-27, 33, 35, 37-41, 44-53 and 55-97 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 1, 2004.

However, in claim 1 (the only independent claim of the elected species 27 corresponding to figure 31), it is stipulated that the closure hub of the linkage device has an opening "to receive the second end of at least another linkage device and said linkage device." It is just not seen in figure 31, nor in the description of figure 31 in the specification, how the opening of the closure hub of the linkage device receives the second end of itself.

Further, the "tampering detection device connected to the linkage device" is just not seen in figure 31 nor found in the description of figure 31 in the specification. Therefore, claims 1, 2, 12, 13, 18, 23, 24, 28-32, 34, 36, 42, 43 and 54 are withdrawn from consideration as being drawn to a non-elected species.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

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The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is

(703) 308-1113.

Jon Szumny

Patent Examiner

Technology Center 3600

Art Unit 3632

January 21, 2005